

suggested that excess uric acid commonly causes arthritis, neuritis, lumbago, sciatica, rheumatic pains, and gout; that the article would neutralize and eliminate deposits of uric acid; that it would break down deposits of uric acid crystalline salts and cleanse the blood stream; and that it would be efficacious in the cure, mitigation, treatment, or prevention of arthritis, neuritis, lumbago, sciatica, rheumatic pains, and gout. It was alleged also to be misbranded in that it was not designated solely by a name recognized in an official compendium, and it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient, since the article contained the active ingredient potassium iodide, and its label failed to bear a statement that the article contained that ingredient.

On June 22, 1943, the defendant entered a plea of guilty and on July 3, 1943, the court imposed a fine of \$250.

1045. Misbranding of Nakamo Bell Tablets. U. S. v. 5 $\frac{3}{4}$ Dozen Packages of Nakamo Bell Tablets. Default decree of condemnation and destruction. (F. D. C. No. 9503. Sample No. 44607-F.)

On March 9, 1943, the United States attorney for the District of New Jersey filed a libel against 5 $\frac{3}{4}$ dozen packages of the above-named product at Newark, N. J., alleging that the article had been shipped on or about November 20, 1942, from Orangeburg, N. Y., by the Hollings-Smith Co.; and charging that it was misbranded.

Examination showed that the article was a tablet which consisted essentially of 2 grains of ammonium chloride, 3 grains of sodium chloride, and 1 grain of potassium chloride.

It was alleged to be misbranded because of false and misleading statements in the labeling regarding the efficacy of the article in the treatment of hay fever, sinus, asthma, and colds.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1046. Misbranding of Kaps Colloidal Iodized Sulphur. U. S. v. 12 Packages of Kaps Colloidal Iodized Sulphur. Decree of condemnation and destruction. (F. D. C. No. 9042. Sample No. 24524-F.)

On December 18, 1942, the United States attorney for the District of Maryland filed a libel against 12 packages of Kaps Colloidal Iodized Sulphur at Baltimore, Md., alleging that the article had been shipped from New York, N. Y., on or about June 5 and August 27, 1942, by the Jamco Co.; and charging that it was misbranded. The article was labeled in part: "C. I. S. Kaps Colloidal Iodized Sulphur."

Examination showed that the article consisted of capsules containing mineral oil, sugar, small amounts of sulfur, and an iodide.

The article was alleged to be misbranded in that the statement, "for use as an aid in the relief of Arthritis due to sulphur deficiency," was false and misleading since such statement represented and suggested that the article would be effective in the treatment of arthritis, whereas it would not be so effective.

On January 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1047. Misbranding of Pyroside Tooth Powder. U. S. v. 282 Packages of Pyroside Tooth Powder. Consent decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 8902. Sample Nos. 18812-F, 18813-F.)

Examination of this product showed that it consisted essentially of calcium carbonate with smaller quantities of magnesium carbonate, powdered cinchona bark, salicylic acid, soap, and flavoring materials. It was short of the declared weight.

On or about November 30, 1942, the United States attorney for the Southern District of New York filed a libel against 282 packages of Pyroside Tooth Powder at New York, N. Y., alleging that the article had been shipped on or about August 3 and October 22, 1942, by the Web Distributing Co. from Newark, N. J.; and charging that it was misbranded.

It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it was effective in the treatment of pyorrhea, gingivitis, trench mouth, and all other diseases of the oral tissue were false and misleading since the article was not effective in the treatment of those diseases; and in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On June 25, 1943, the Web Distributing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered for the use of a charitable institution, and that costs be assessed against the claimant.

1048. Misbranding of Cuban honey. U. S. v. 38 Jars and 284 Packages of Honey. Decrees of condemnation. Portion of product ordered destroyed and remainder ordered sold, upon adoption of safeguards to insure its use in compliance with the law. (F. D. C. Nos. 8170, 8371. Sample Nos. 1116-F, 1117-F, 5901-F.)

On August 21 and September 28, 1942, the United States attorneys for the Eastern District of Missouri and the Northern District of Illinois filed libels against 25 \$1.00-size, 7 \$2.00-size, and 6 \$3.75-size jars of honey at St. Louis, Mo., and 141 9-ounce, 81 22½-ounce, 56 48-ounce, 3 96-ounce, and 3 1-gallon packages of honey at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, July 18, and August 29, 1942, from Lansing, Mich., by Cuban Honey, Inc.; and charging that it was misbranded. The article was labeled in part: "El Aguinaldo Cuban Honey."

Analysis of a sample of the article showed that it consisted of honey, and that the mineral matter therein amounted to approximately one-sixth of one percent.

The lot at Chicago was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the product would constitute a remedy for sick and wounded soldiers; and that it provided a significant portion of minerals and constituted an adequate treatment for digestive disorders, bronchial asthma, bronchitis, asthma, bronchial pneumonia, coughs, sinus conditions, hay fever, and stomach ulcers were false and misleading since it would not constitute a remedy for sick and wounded soldiers nor be an adequate treatment for the condition described; and it did not provide a significant portion of minerals.

The lot at St. Louis was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that the product constituted a remedy for sick and wounded soldiers; that it was valued for its medicinal properties; that it played an important part in the preservation of zestful health for those who were well and in restoring health to those who were ill; that it differed in a material respect from domestic honey; that, when used in the place of other sweets, it would cause children to thrive; that it constituted a source of vital energy and was a great help in the heavy daily battle of life; that it would aid nature in building and maintaining health; that, when taken as directed, it possessed laxative qualities; that it was a relaxing food; that it would aid in more normal action of the digestive system; that it would be retained by those whose digestion was impaired and who have difficulty in retaining food; that it would soothe the tired nerves and aid in preventing sleepless nights; that it defied chemical analysis; that it provided the necessary mineral salts; that it contained a significant proportion of minerals; that it was more easily retained in the stomachs of children than were other foods suitable for them; that it was a substitute for cod liver oil and orange juice; that, when used as directed, it would cause an increase in weight in children not caused by other common foods; that it would cause a decrease in restlessness and distress after feeding; and that it was efficacious in cases of rickets and malnutrition. The article did not differ in a material respect from domestic honey; it had not defied chemical analysis; it did not contain a significant proportion of minerals; it was not a substitute for cod liver oil and orange juice; and it would not be efficacious for the purposes recommended, or accomplish the results claimed. Both lots were alleged to be misbranded further in that the following statements appearing in the labeling of the lot at St. Louis, "Analysis ----%---- Water 18.53, Invert Sugars 71.01, Sucrose .83, Ash .25, Dextrine 2.39, Undetermined 6.99, Alkaloids None," and "Analysis of Ash ----%---- Silicon 4.78, Iron .88, Calcium 3.67, Magnesium 1.18, Sodium 14.12, Potassium 48.47, Phosphorous .78, Sulphur .97, Chlorine 9.87, Undetermined 15.27," and substantially the same statements in the labeling of the lot at Chicago, were misleading since those statements failed to reveal that the article consisted essentially of a variety of sugars, and that the other constituents named, including the various mineral elements mentioned, were present in the article in so small a proportion as to be negligible.

The article was also alleged to be misbranded under the provisions of the law applicable to foods as reported in the notices of judgment on foods, No. 5797.